

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMADOR DEJESUS *on behalf of himself,*
FLSA Collective Plaintiffs and the Class,

Plaintiffs,

v.

GREGORYS COFFEE MANAGEMENT LLC,
and GREGORY ZAMFOTIS, individually,

Defendants.

No. 1:20-cv-06305-MKB-PK

DECLARATION OF GARY BARNES

1. I am an adult individual.
2. At all times relevant hereto, I have been the Chief of Staff of Gregorys Coffee Management, LLC.
3. In early August, 2021, I learned that arbitration agreements had been signed by employees of the commissary, including Amador DeJesus. I immediately provided the agreements signed by Mr. DeJesus to the company's attorney.
4. I subsequently learned that the manager of the commissary had utilized arbitration agreements for employees in the commissary for a period of time several years ago. No other Gregorys Coffee employees were ever required to sign arbitration agreements.
5. The arbitration agreements that were executed by Mr. DeJesus were also signed by George Zamfotis, who was the manager of the commissary for Gregorys Coffee at the time that the agreements were executed.
6. In March 2020, George Zamfotis stepped away from the day-to-day management of the commissary and took on other duties within the company.
7. From approximately March until September 2020, Matt Delaney oversaw the commissary and George Zamfotis took on other duties. During that time, Mr. Delaney rearranged numerous items and files in the commissary and destroyed other documents, including many personnel file documents. In September 2020, Mr. Delaney was terminated from the company.
8. Following Mr. Delaney's termination, George Zamfotis stepped back into his role overseeing the commissary. During this time, there were numerous records that could not be located due to Mr. Delaney's actions. While searching for time records

relevant to this case, George Zamfotis found the files with the arbitration agreement executed by Mr. DeJesus.

9. At the time the Arbitration Agreements were signed by Mr. DeJesus, Joshua Sevitz was responsible for human resources for Gregorys Coffee.
10. Joshua Sevitz is no longer employed by Gregorys Coffee. He resigned in 2019 and moved to South Africa.
11. Gregorys Coffee moved its main offices in May 2020 and many files and records were boxed up. Some items were misplaced and lost in the move.
12. I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: 10/6/21



Gary Barnes